

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BECKY L. BISHOP, et al.,

Plaintiffs,

v.

Case No. 16-C-1447

TIM WILZ, et al.,

Defendants.

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**ORDER DENYING MOTION FOR MISTRIAL**

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Plaintiffs Becky L. Bishop and Kevin E. Bishop, who are currently representing themselves, filed this civil rights action related to events surrounding the seizure of their horses. On November 20, 2018, the court entered an amended judgment in favor of the defendants following the court's ruling on dispositive motions and a bench trial on the remaining claims. Presently before the court is Plaintiffs' motion for a new trial pursuant to Federal Rule of Civil Procedure 59(a)(1)(B). For the following reasons, the motion will be denied.

Rule 59 allows a court to grant a new bench trial "for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court." Fed. R. Civ. P. 59(a)(1)(B). The court may also "open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment." Fed. R. Civ. P. 59(a)(2). "A motion for a new trial in a nonjury case . . . should be based upon manifest error of law or mistake of fact, and a judgment should not be set aside except for substantial reasons." 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE & PROCEDURE § 2804. A manifest error is

“wholesale disregard, misapplication, or failure to recognize controlling precedent.” *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (citation omitted).

After considering Plaintiffs’ submission, the court concludes there is no basis to grant the motion for a new trial. Plaintiffs have not shown that the court made errors of law or fact in entering judgment in favor of Defendants. While Plaintiffs disagree with the court’s rulings, mere disagreement is not enough to establish that the court’s decision was manifestly erroneous. *See Oto*, 224 F.3d at 606 (“A manifest error is not demonstrated by the disappointment of the losing party.”). Plaintiff’s motion merely states their dissatisfaction with the court’s decision and restates their prior arguments. They have not offered any other factual or legal argument that convinces the court that its decision was in error. Accordingly, the motion for a mistrial (ECF No. 220) is **DENIED**.

**SO ORDERED** this 18th day of December, 2018.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court